

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
No. 25-cv-22896-KMW**

FRIENDS OF THE EVERGLADES, INC., et al.,

Plaintiffs,

v.

KRISTI NOEM, et al.,

Defendants.

**DEFENDANT FDEM'S EXPEDITED MOTION
FOR LIMITED RECIPROCAL DISCOVERY**

The Court held that targeted pre-hearing discovery is proper when it seeks “easily gathered documents” that “can greatly improve the Court’s understanding of the issues to be discussed at the August 6, 2025 hearing.” Doc. 64 at 3. Consistent with that order, Defendant Kevin Guthrie (“FDEM”) served a narrow set of targeted Requests for Production aimed at testing Plaintiffs’ claims of irreparable injury—a core issue at the upcoming hearing. *See* Doc. 16 at 15-20; Doc. 24 at 7-11. Specifically, FDEM asks Plaintiffs to produce:

1. All documents in your possession that identify the sighting of a panther, bonneted bat, snail kite, wood stork, or Eastern indigo snake within a three-mile radius of the Dade-Collier Training and Transition Airport within the past five years.

2. All documents in your possession showing that any declarants who are also Plaintiffs’ members or employees, or any witnesses who you intend to call at the August 6, 2025 preliminary-injunction hearing who are also Plaintiffs’ members or employees, have visited an area within five miles of the Dade-Collier Training and Transition Airport between June 2022 to present.

3. All documents that Dr. Christopher W. McVoy, Dr. Robert A. Frakes, and Randy S. Kautz consulted or relied upon to prepare their declarations.

Given the fast-approaching preliminary-injunction hearing, FDEM asked Plaintiffs to confirm by 5:00 P.M. today that they would produce all documents responsive to FDEM's requests by August 4 at 5:00 P.M.—the same deadline this Court set for Defendants' responses to Plaintiffs' discovery requests. Plaintiffs failed to respond at all. For the same reasons that the Court ordered FDEM to provide Plaintiffs with expedited discovery, FDEM requests that the Court order Plaintiffs to produce all documents responsive to FDEM's requests by August 4 at 5:00 P.M.

CONCLUSION

For the foregoing reasons, FDEM requests that the Court order Plaintiffs to produce all documents responsive to FDEM's discovery requests by **5:00 P.M. on August 4, 2025.**

CERTIFICATE OF CONFERRAL

FDEM served the attached discovery requests this morning and requested that Plaintiffs respond to the requests by August 4 at 5:00 P.M. Given the forthcoming preliminary-injunction hearing, FDEM also requested that Plaintiffs confirm by 5:00 P.M. today whether they would respond to FDEM's discovery requests by that date. Plaintiffs did not respond.

Dated: July 29, 2025

James Uthmeier
Attorney General of Florida
Jeffrey Paul DeSousa (FBN 110951)
Acting Solicitor General
Nathan A. Forrester (FBN 1045107)
Chief Deputy Solicitor General
Robert S. Schenck (FBN 1044532)
Assistant Solicitor General
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399
jeffrey.desousa@myfloridalegal.com

Respectfully submitted,

s/ Jesse Panuccio
Jesse Panuccio (FBN 31401)
Evan Ezray (FBN 1008228)
David Costello (FBN 1004952)
BOIES SCHILLER FLEXNER LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, Florida 33301
Jpanuccio@bsflp.com

Counsel for Kevin Guthrie, in his official capacity as Executive Director of the Florida Division of Emergency Management

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2025, the foregoing was filed with the Clerk of Court using CM/ECF, which will serve a Notice of Electronic Filing on all counsel of record.

s/ Jesse Panuccio
Jesse Panuccio